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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/601,933	09/22/2000	Fabrice Clerc	P-5945	5347

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06/23/2004

Michael L Kenaga
Rudnick & Wolfe
P O Box 64807
Chicago, IL 60664-0807

EXAMINER

LANIER, BENJAMIN E

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 06/23/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/601,933

Applicant(s)

CLERC ET AL.

Examiner

Benjamin E Lanier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 September 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 5.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Response to Amendment

1. Applicant's cancellation of claims 1-11 and addition of claims 12-22 has been fully considered and entered.

Claim Rejections - 35 USC § 112

2. Claim 14 is objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claim has not been further treated on the merits.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 17, 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

5. Where applicant acts as his or her own lexicographer to specifically define a term of a claim contrary to its ordinary meaning, the written description must clearly redefine the claim term and set forth the uncommon definition so as to put one reasonably skilled in the art on notice that the applicant intended to so redefine that claim term. *Process Control Corp. v. HydReclaim Corp.*, 190 F.3d 1350, 1357, 52 USPQ2d 1029, 1033 (Fed. Cir. 1999). The term "random variable" in claim 17 is used by the claim to mean that the result of the described function will provide a series of results without a patter, however the function has described by the claim will provide a series of results with a distinct pattern because the function involves

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merely a static value and a variable which is continuously incremented. The term is indefinite because the specification does not clearly redefine the term.

6. Claim 19 is generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 12, 13, 15, 16, 18-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Davis, U.S. Patent No. 6,088,450. Referring to claims 12, 13, 18, 19, 21, 22, Davis discloses a challenge/response authentication protocol wherein in order for a users to authenticate themselves to the security device of a computer system the user utilizes an authentication token (Abstract). The security device uses a challenge/response protocol to authenticate the user token to the system. The security device transmits a random number in a challenge message to the user token (Col. 6, line 66 – Col. 7, line 4), which meets the limitation of following presentation of said electronic key to said electronic lock, a random variable message prompting authentication of the electronic key is transmitted from said electronic lock to said electronic key. The user token receives the random number and encrypts the random number with the private key of the

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token to produce an encrypted random number as part of a response message (Col. 7, lines 15-20). The other part of the response message is a digital certificate. The digital certificate is the public key of the token encrypted with the private key of the certificate authority (Col. 7, lines 20-25), which meets the limitation of calculating and transmitting from said electronic key to said electronic lock a digital signature value of said random variable message prompting authentication based on a private signature key and specific authentication data, said specific authentication data transmitted by said electronic key to said electronic lock consisting of at least one public key certificate associated with said private signature key, said public key certificate consisting of a digital signature value of at least one validity time period relating to a right of access and of said public key, said signature value being calculated from another private signature key associated with another public key, and after reception by said electronic lock of said signature value and said specific authentication data. Upon receiving the response message the security device decrypts the digital certificate with the public key to obtain the public key of the token. Next the public key of the token is used to decrypt the random number, and once the random number is received it is compared with the random number transmitted to the user token. If the number are equivalent the user is provided access to the node, if not, the user is prevented access (Col. 7, lines 6-11, 28-34), which meets the limitation of verification by said electronic lock of the authenticity of said signature value as a function of said specific authentication data and, in response to a positive or negative result of said verification, acceptance or respectively refusal of said access. The user token contains a cpu and a non-volatile memory used to store its unique public and private key pair along with the digital certificate (Fig. 4 & Col. 5, line 50 – Col. 6, line 9), which meets the limitation of a protected access memory area for string at least

one private signature key and specific authentication data, said specific authentication data consisting of at least one public key certificate consisting of a digital signature value of at least one validity time period relating to a right of access and said public key, and a read-only memory used to call programs for calculating the digital signature value of a random variable message delivered by said electronic lock using said private signature key.

Referring to claims 15, 20, Davis discloses using a plurality of authentication periods (Col. 7, line 35 – Col. 8, line 36).

Referring to claim 16, Davis discloses that the period limits are based on hour, day, etc. (Col. 7, lines 55-56).

Conclusion

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin E Lanier whose telephone number is 703-305-7684. The examiner can normally be reached on M-Th 7:30am-5:00pm, F 7:30am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703)305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Benjamin E. Lanier



GILBERTO BARRÓN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100